

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the remarks made herein.

Claims 1-20 are pending. Claims 1-4, 8-12 and 16-18 stand rejected. Claims 5-7, 13-15, 19 and 20 are objected to but would be allowable if rewritten in independent form.

Claims 1, 9 and 17 have been amended.

Claims 1-4, 8-12 and 16-18 stand rejected under 35 USC 103(a) as being unpatentable for the same reasons recited in the prior Office Action, i.e., (Vince (USP No. 6,765,966) in view of Gonzales (USP No. 5,289,577)).

In response to the arguments made in Response to the prior Office Action, the instant Office Action states that after considering applicant's arguments in the Response to the prior Office Action, the reason for the rejection is maintained. The Office Action further addresses the three arguments made in the Response to the prior Office Action.

More specifically, the Office Action states that with regard to the claim element "processing a portion of said digital multimedia digital bitstream," Vince discloses means for separating the incoming bitstream based on the extracted protocol data from the associated portion of the bitstream. As such, since the reference discloses differentiating portions of the incoming bitstream, "any processing applied to the corresponding bitstream portion of the extracted protocol data would read" on the claim element. (see page 2, last paragraph, instant Office Action). The Office Action further states that "since, Vince discloses that the incoming bitstream includes a number of services ... each of these individual services provided in the bitstream reads on the 'portion' as in the claims." (see page 3, first paragraph, instant Office Action). The Office Action further states that with regard to the applicant's argument that the processing is performed in real-time, "it is noted that the features upon which applicant relies are not recited in the rejected independent claims." With regard to the applicant's argument that Gonzales fails to address the element "processing a portion of said digital multimedia digital bitstream," the Office Action further states that "one cannot show nonobviousness by attacking references individually where the rejections are based on combination of references. Since the Vince reference meets the limitations ... the Gonzales reference would address

this limitation based on the combination with the primary reference and would not need to account for it on its own."

Applicant thanks the examiner for his further reasoning with regard to the rejection of the claims, but respectfully disagrees with the reasons for rejecting the claims. However, in the interest of advancing this matter, the independent claims have been amended to more clearly state the invention. No new matter has been added. Support for the amendment may be found on at least page 30, lines 13-19, which state, in part, "[l]et N equal the number of media processors in the processing chain ... The first media processor ... processes the first $(1/N)^{\text{th}}$ interleaved portion of the bitstream ... Then the second media process ... processes the second $(1/N)^{\text{th}}$ interleaved portion of the bitstream.

With regard to claim 1, this claim recites:

1. An apparatus capable of processing a multimedia digital bitstream, said apparatus comprising:
a processing chain comprising a plurality of N media processors wherein each of said plurality of media processors is capable of processing a portion of said multimedia digital bitstream, wherein said portion represents a $(1/N)^{\text{th}}$ interleaved portion of the bitstream, wherein each of said plurality of media processors is capable of splitting said portion of said multimedia digital bitstream into a primary bitstream and a secondary bitstream, and capable of processing said primary bitstream, and capable of merging a processed primary bitstream with said secondary bitstream.

Hence, apparatus discloses a plurality of processor where each processor processes a portion of a bitstream, where the portion represents a $(1/N)^{\text{th}}$ interleaved portion of the bitstream and the portion of the bitstream being processed in each processor is split into a primary and second bitstream and the primary bitstream is processed. The processed primary bitstream is subsequently recombined with the (unprocessed) secondary stream.

Vince discloses a method and apparatus for processing a high definition signal and re-encoding the high definition (HD) signal to create a standard definition (SD) television signal and then combining the original signal and the re-encoded standard definition signal into a HD/SD multiplexed signal. However, contrary to the statements made in the Office Action, Vince fails to disclose processing a portion of the media bitstream, wherein the portion is determined as a $(1/N)^{\text{th}}$ interleaved portion, as is recited in the claims. Rather, Vince describes processing the whole bitstream as described in col.

2, line 62-col. 14, which state, in part, "an incoming television signal is demodulated at a demodulator of a partial re-encoding transcoder... The demodulated signal is split at a splitter into a first signal and a second signal, the first signal being substantially identical to the second signal. A decoder determines whether the second signal is an HD signal and in the event it is an HD signal, decodes it.... A multiplexer multiplexes the ... second signal with the first signal to create a multiplexed signal having two versions of the original signal."

The Office Action refers to Vince processing a portion of the signal with reference to extracting the protocol data. (see col. 3, lines 18-61). However a careful reading of this section describes the extraction of protocol data from the first and second signals and redefining the protocol data "to eliminate any conflicts between the protocol data of the first and the protocol data of the second signal. The redefined protocol data may then be inserted into the multiplexed data stream at the multiplexer." (see col. 3, lines 22-26). Hence, Vince discloses that the protocol data of the first and second signals are both processed and the resultant processed data is merged into the multiplexed signal. In this case, the process of extracting and processing the protocol data of both streams is not comparable to the subject matter recited as claim 1 recites the processing of only information in the primary bitstream and the subsequent merging of the processed primary bitstream with the (unprocessed) secondary bitstream.

With regard to Office Action stating that the "incoming bitstream includes a number of services ... each of these services provided in the bitstream reads on the 'portion,' as in the claims," applicant would note that Vince discloses that multiple independent HD services 101, 102, 103 may be re-encoded into multiplexed HD signals 101, 102, 103 and SD signals 104, 105, 106. (See Figure 2 and col. 3). The encoding of multiple independent signals is discussed in line 64 - col. 4, line 24, which state in part, "the HD signal contains high definition televisions services 101,102 and 103 ...[and] transcoder 10 re-encodes the in bound HD signal ... to produce HD services 101, 102, and 103 as well as SD services 104, 105, and 106"). However, as remarked above, Vince teaches processing the whole signal and that the services 101, 102 and 103 shown, in Figure 2 are processed as a whole unit. Vince fails to disclose that the services 101, 102 and 103 are separately extracted, i.e., portions, and processed individually into services

101, 104; 102, 105; and 103, 106 and then merged into a single signal. Hence, contrary to the remarks made in the Office Action, Vince fails to teach or suggest splitting the portion of the digital bitstream into a primary and secondary bitstreams and processing the primary bitstream, as is recited in the claims.

While Vince discloses splitting an HD signal, re-encoding and creating a multiplexed HD/SD signal, as has been shown Vince fails to disclose "processing a portion of said multimedia digital bitstream, wherein ... said plurality of media processors [are] capable of splitting said portion of said multimedia digital bitstream into a primary bitstream and a secondary bitstream," and that the portions are represent a $(1/N)^{\text{th}}$ interleaved portion of the bitstream, as is recited in the claims.

Gonzales discloses a sequential process-pipeline system having a first processing stage couple to a CODEC through a plurality of buffers. Gonzales further teaches that each stage includes buffers that "function to logically smooth out 'density fluctuations' in the data flow ... [and] also serve ... to separate a data-dependent process from a data-independent process." (see col. 6, lines 3-7).

Gonzales, accordingly, teaches a sequential processing system that adapts the buffer size between processors to accommodate the data flow. Gonzales fails to teach or suggest "processing a portion of said multimedia digital bitstream, wherein ... said plurality of media processors is capable of splitting said portion of said multimedia digital bitstream into a primary bitstream and a secondary bitstream," as is recited in the claims. Rather, Gonzales teaches processing the signal in different processors wherein the different processes operate on the whole signal inputted.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest **all** the claim limitations.

Contrary to the arguments made in the Office Action, Vince and Gonzales are totally silent with regard to a plurality of processors, wherein each processor is capable of processing a portion of a multimedia digital bitstream and the portion is represented as

(1/N)th portion of the bitstream. Therefore, Vince and Gonzales cannot render obvious the present invention as one would not look to either Vince or Gonzales to develop the novel features of the present invention as neither Vince nor Gonzales disclose processing portions of the input bit stream.

Even if one were to combine the teachings of Vince and Gonzales, the combined invention would not include all the elements recited in the claims. As shown Vince fails to teach or suggest processors processing portions of the input bit stream and Gonzales does not teach such processing. Hence the combined device would not include all the elements claimed.

Having shown that there is no teaching or suggestion to combine the reference cited and even if the references were combined, the combined device would not include all the elements recited in the claims, applicant submits that the reason for the examiner's rejections of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests, withdrawal of the rejection and allowance of the claims.

With regard to claims 9 and 17, these claims recite subject matter similar to that recited in claim 1 and have been rejected citing the same references used in rejecting claim 1. Thus, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claims 9 and 17. Applicant submits that in view of the amendments made to the claims and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claims 9 and 17, the rejection of claim 9 and 17 have been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining, dependent, claims, these claims ultimately depend from independent claims 1, 9 and 17, which have been shown to be not obvious and allowable over the cited references. Accordingly, the remaining dependent claims are also allowable by virtue of their dependence from an allowable base claim.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's

amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

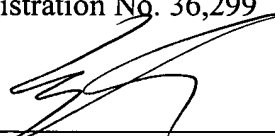
For all the foregoing reasons, it is respectfully submitted that the rejected claims are patentable in view of the cited references

Applicant, through his attorney, wishes to thank the examiner for his indication of allowable subject matter in claims 5-7, 13-15 and 19 and 20 if rewritten as set forth in the instant Office Action. However, for the remarks made herein, applicant believes that all the claims are in an allowable form and elects not to amend the claims as suggested by the examiner. Applicant, however, reserves the right to amend the claims as suggested by the examiner at a later time.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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